IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 29158 of 2007(U)

PETITIONER:

U.LATHEEF, AGED 49, S/O. P.M.UMMERKUTTY,
KOORAKKAKALAYIL, ELAMGULAM VILLAGE,
KOTTAYAM TALUK.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS:

THE KOTTAYAM MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, OFFICE OF THE
KOTTAYAM MUNICIPALITY, KOTTAYAM.

BY SC SRI.SIBY MATHEW

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 29158 of 2007

Dated this the 3rd day of October, 2007

JUDGMENT

The petitioner is aggrieved by Ext.P8 final order passed by the Kottayam Municipality directing him to remove certain allegedly objectionable constructions put up by him on a bunk belonging to him. Even though the learned Standing Counsel for the Municipality is correct in his submission that the petitioner may have a statutory remedy against Ext.P8 by way of an appeal to the Tribunal, since it is clear from Ext.P8 that Ext.P8 is not preceded by hearing of the petitioner, I dispose of this writ petition issuing the following directions:

The respondent Municipality will reconsider the question seen decided under Ext.P8 after hearing the petitioner on the various objections raised by him through Ext.P7 and pass fresh orders within two weeks of receiving a copy of this judgment. In order to enable the Municipality to do that, I direct that Ext.P8 shall be kept in abeyance for a period of one month. Fresh pleadings, if any, filed by the petitioner within one week from today will also be considered by the

Municipality along with Ext.P7 while taking decision.

PIUS C. KURIAKOSE,
JUDGE.

Dpk